

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

BACKWARD CLASSES WELFARE DEPARTMENT – Revision Petition filed by Sri Shiva Shankar Prasad, S/o Sri Veerabadraiah, R/o Haliya, Anumula Mandal, Nalgonda District under Rule 11 of the AP SCs, STs & BCs Issue of the community, Nativity & Date of Birth Certificate Rules, 1977 against the Proceedings No.H1/8195/2003, dt.21-12-2004 of the Collector and District Magistrate, Nalgonda – Rejected – Orders – Issued.

BACKWARD CLASSES WELFARE (C1) DEPARTMENT
G.O.Rt.No.329 Dated:27-10-2008
Read the following:

- 1) From the Collector & District Magistrate, Nalgonda District, Proceedings No. H1/8195/2003, dated. 21.12.2004.
- 2) From Sri Siva Shankar Prasad S/o Sri Veerabadraiah, R/o Haliya, Anumula Mandal, Nalgonda District ,Revision Petition Dt.7-2-2005(Received on 10-2-2005)
- 3) From the Collector & District Magistrate, Nalgonda District, Lr.No. H7/8195/2003, dated. 29-12-2005.
- 4) Govt.Memo.No.580/C1/2005-8, dated. 17-7-2008.
- 5) Govt.Memo.No.580/C1/2005-9, dated. 11-8-2008.
- 6) Govt.Memo.No.580/C1/2005-10, dated. 21-8-2008.

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O R D E R:

The Collector & District Magistrate, Nalgonda District in his Proceedings 1st read above, has cancelled the B.C. Certificate issued by the Mandal Revenue Officer, Vemulapalli , in favour of Sri Shiva Shankar Prasad, S/o Sri Veerabadraiah, R/o Haliya, Anumula Mandal, Nalgonda District.

2. Aggrieved by the above orders of the District Collector, Nalgonda District, in the proceedings 1st read above Sri Shiva Shankar Prasad S/o Sri Veerabadraiah, , R/o Haliya, Anumula Mandal, Nalgonda District in the reference 2nd read above, has filed an revision petition before the Government on 10-2-2005 under Rule 11 of the AP SCs, STs & BCs Issue of the community, Nativity & date of Birth Certificate Rules, 1977, and, requested to suspend the orders passed by the District Collector, Nalgonda District pending disposal of the Revision Petition and pass such other suitable order or orders in the circumstances of the case.

3. The Revision Petition filed by Sri Shiva Shankar Prasad in the reference 2nd read above was taken on file on 10-2-2005.

4. The brief facts of the case are that a complaint was filed by Sri Chakra Hari Rama Raju, President, District B.C. Association, Nalgonda against the Caste status of Sri K. Shiva Shankar Prasad working in Electricity Department, Nalgonda stating that Sri K. Shiva Shankar Prasad belonging to Balija forward caste, had obtained "Wada Balija" BC-A Caste Certificate and secured job in Andhra Pradesh TRANSCO based on that certificate.

5. On receipt of the above complaint , the Collector & Dist Magistrate, Nalgonda District had requested the Superintending Engineer, Operation Circle, Nalgonda (Central Power Distribution Company of Andhra Pradesh Limited) to furnish a copy of caste certificate issued in favour of Sri K. Shiva Shankar Prasad S/o. Sri Veerabadraiah for verification.

6. After conducting an enquiry, the R.D.O., Miryalaguda has stated that Sri K. Shiva Shankar Prasad has studied in ZPHS, Vemulapally. In school records, his caste was recorded as Balija . His father Sri Veerabadraiah has attended before the Mandal Revenue Officer, Vemulapally for enquiry on 9-2-2004 and deposed that since their forefathers, they are residing at Vemulapally Village & Mandal. As per their knowledge, they belong to "Balija" Caste and their Gothra is "Nandeeswara" (Virushabha). But they are getting "Wada Balija" Caste Certificate for the purpose of education since 1973. Originally, they are vegetarian, but habituated to take the non-veg in some occasions. They used to

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worship the Lord Korvi Veerabhdra Swamy. The temple is at Korvi village, Mahaboobabad Mandal in Warangal District.

7. As per the enquiry and according to the statement of Sri Shiva Shankar Prasad and his father, it is found that they belong to Baliya Caste. They have obtained Wada Baliya BC-A Caste Certificates from the concerned Authorities to have education benefits etc., they are under impression that the Baliya and Wada Baliya castes are one, and, the same as such they got Wada Baliya certificate on par others of their community people in the District.

8. The R.D.O., Miryalaguda has also stated that, he has enquired personally in the village about the customs, traditions and goddess of the individuals and found that, they belong to Baliya Caste, but they are getting the Wada Baliya Caste certificate to get the reservation benefits and he has submitted the statement of individual and the certificate issued by the Head Master, ZPHS, Vemulapally. As per the report, it is clearly proved that Sri K. Shiva Shankar Prasad, S/o. Sri Veerabadraiah, R/o.Vemulapally Village and Mandal belongs to Baliya forward caste and obtained B.C.-A Caste certificate from M.R.O., Vemulapally fraudulently.

9. The District Level Scrutiny Committee found that they belong to forward caste i.e., Baliya Community. On verification, Sri K. Shiva Shankar Prasad, who is claiming himself Wada Baliya is not living in their life style as mentioned to Ananthan Raman Commission and Madras Census Report 1991.

10. In view of the above, it is clearly proved that, the individual does not belong to Wada Baliya BC-A Caste community. Hence, the committee resolved that his caste certificate No. C/2727/1997 dt: 03-10-1997 issued by the M.R.O., Vemulapally indicating his caste as "Wada Baliya" is liable for cancellation.

11. The Petitioner in his Revision Petition dt.7-2-2005 (received on 10-2-2005) has submitted that the impugned orders of the District Collector, Nalgonda in his proceeding No. H7/8195/2003, dated 29-12-2004 is erroneous, as the authorities did not consider and taken into consideration the facts of the case and on this ground alone, the said order is liable to be set aside. He has submitted that the authorities concerned relied upon the following three grounds viz.,

- 1) the petitioners are vegetarians, they won't take any non-vegetarian items.
- 2) their occupation is selling vegetables etc.,and
- 3) they wont worship Goddess Rajamma, Yellamma etc.,

Based upon the above three reasons, the Authorities came to a conclusion that the petitioner does not belong to Vadabaliya Community. The reasons mentioned in the impugned orders are totally baseless without any proof. Therefore, the same is liable to be set aside.

12. He has further submitted that based upon a complaint, the Authorities without considering the fact that, the petitioner was not selected against any reserved vacancy, and have taken to task that the said certificate is fraudulently obtained from the Authorities. There are several thousand persons, who belong to Vadabaliya Community and they are treated as such for the last 3½ decades. However, without taking into consideration of the said circumstances, the Authorities issued the impugned orders on the basis of the above three reasons, which do not survive the scrutiny by the Hon'ble Authority. He has further submitted that the declaration of Vadabaliya as B.C.'A' operates through out the State and does not restrict to any one such region. The Authorities cannot say that there is no community such as Vadabaliya in Telangana region. The revision petitioner has therefore contended that on this ground also, the impugned orders are liable to be set aside.

13. The Revision Petitioner viz., Sri Shiva Shankar Prasad has been requested to attend the hearing on 4-8-2008 at 12:00 noon before the Government in person or through his Counsel through the Govt Memo 4th read above which has been sent to the revision petitioner through the Collector, Nalgonda Dist through speed post. Since the individual was not present

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on 4-8-2008 ; second notice through the Govt Memo 5th read above has been sent to the Revision Petitioner through the Dist Collector, Nalgonda Dist through speed post for attending hearing on 19-8-2008 at 12:00 Noon before the Govt in person or through his counsel. The second hearing could not be taken place due to administrative reasons. Third notice has also been sent to the Revision Petitioner through Govt memo 6th read above through the Dist Collector, Nalgonda Dist through speed post for attending hearing on 26-8-2008 at 4:00 PM before the Govt in person or through his counsel .The case has been heard on 26-8-2008 before the Govt.

14. The Government, after careful examination of the records, and also the averments made by the Revision Petitioner before the Govt on 26-8-2008 is of the opinion that Sri K.Shiva Shankar Prasad S/O Sri Veerabadraiah R/O Vemulapally village & mandal belongs to Balija, forward caste and obtained "Wadabalija", BC-A Caste Certificate from MRO ,Vemulapally fraudulently. It has been decided that the proceeding No. H1/8195/2003, dated. 21.12.2004 issued by the District Collector, Nalgonda holds good.

15. Accordingly, the Revision Petition filed by Sri Siva Shanka Prasad in the reference 2nd read above is hereby rejected.

16. The original records containing CF pages from 1-240 received through the reference 3rd read above are returned herewith to the District Collector, Nalgonda District .

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRAPRADESH)

T.SATYANARAYANA RAO
SECRETARY TO GOVERNMENT

To:

- 1.Sri Shiva Shankar Prasad, S/o Sri Veerabadraiah,
R/o Haliya, Anumula Mandal, Nalgonda District
- 2.The Collector & District Magistrate,
Nalgonda District (w.e) (with original records)

Copy to:

The Director, B.C.Welfare, Hyderabad.
The P.S. to M (BCW)

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//FORWARDED BY ORDER//

SECTION OFFICER